

IN THE DRAWINGS:

Please replace Figure 3 with the following substitute for Figure 3:

REMARKS:

This communication is in response to the detailed office action dated December 17, 2004, wherein claims 1-8 were pending. On page 2, line 7, of the office action, the Examiner stated that “[c]laims 1-3, and 5-8 are rejected under 35 U.S.C. § 112, second paragraph...” The Applicant believes that the Examiner intended this statement to read “[c]laims 1-3, and 6-8 are rejected under 35 U.S.C. § 112, second paragraph...,” since the Examiner stated on page 3, line 13, that “[c]laims 4 and 5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form...” The Applicant respectfully requests that the Examiner confirm that claim 5 is not rejected and only objected to. The Applicant will respond to the office action as the Applicant believes the Examiner intended it to read.

In the office action, the Examiner objected to Figure 3 under 37 C.F.R. 1.84(p)(5) as containing improper lead lines. The Examiner objected to claims 4 and 5 as being dependent from a rejected base claim. The Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Examiner also rejected claims 1 and 3 under 35 U.S.C. §103(a) as being unpatentable over Monforte in view of Zaremsky *et al.* and Conway *et al.*

The Examiner objected to Figure 3 under 37 C.F.R. 1.84(p)(5) as containing improper lead lines. Figure 3 has been amended to correct the improper lead lines as suggested by the Examiner.

The Examiner rejected claims 1-3 and 6-8 under 35 U.S.C. § 112, second paragraph. In particular, the Examiner stated that claim 1 is indefinite and/or incomplete since it fails to include structure to provide the function “and for moving the vehicle body panel up and down” set forth in line 11 of the claim. The Applicant respectfully traverses this rejection. 35 U.S.C. § 112, sixth paragraph, states that means-plus-function claims may be expressed “without the recital of structure.” The clamping unit performs the dual functions of clamping the vehicle body panel by laterally moving with respect to the base plate, and of moving the vehicle body panel up and down. Claim 1 as originally presented thus complied with the requirements of § 112, sixth paragraph. However, claim 1, from which claims 2-3 and 6-8

depend, has been amended to further clarify that it is a means-plus-function claim and that the clamping means performs dual functions. Therefore, this rejection is traversed.

The Examiner also rejected claims 1 and 3 as being unpatentable over Monforte in view of Zaremsky *et al.* and Conway *et al.* The Examiner's rejection of claim 2, however, is due to the its depending from rejected claim 1. Therefore, claim 2 includes patentable subject matter. Claim 1 has been amended to include the subject matter of claim 2, and claim 2 has been cancelled. Since claim 1 has been amended to clarify that it is not indefinite, and since claim 1 has been further amended to include patentable subject matter from claim 2, claim 1 should now be in allowable form.

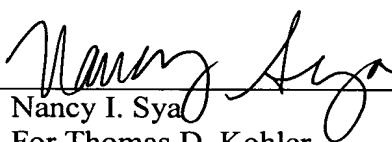
Claims 3 and 4, depending from claim 1 should also be in allowable form. Claims 6 and 7, previously depending from now cancelled claim 2, have been amended to depend from claim 1, and should now be allowable form. Claims 5 and 8, depending, respectively, from claims 4 and 7, should also be in allowable form.

Finally, the Examiner objected to claims 4 and 5 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent from including all of the limitations of the base and intervening claims. Claims 9 and 10 have been added that include the subject matter of previous claims 4 and 5, respectively, as well as all of the limitations of the base claim. No new matter has been added.

The Applicant submits that the claims are in a condition for allowance and accordingly seeks allowance of this matter. Should the Examiner have any continuing objections or concerns, the Examiner is respectfully asked to contact the undersigned at 415-442-1106 in order to expedite allowance of this case. Authorization is granted to charge any outstanding fees due at this time for the continued prosecution of this matter to Morgan, Lewis & Bockius LLP Deposit Account No. 50-0310 (matter no. 060945-0155).

Respectfully submitted,

Date March 17, 2005


Nancy I. Sya 52,266
For Thomas D. Kohler Reg. No.
32,797

MORGAN, LEWIS & BOCKIUS LLP
2 Palo Alto Square
3000 El Camino Real, Suite 700
Palo Alto, CA 94306
(415) 442-1106